Important Numbers

Call Before You Dig

Washington State 1-800-424-5555

Life or Death Emergency 9-1-1

Other Important Numbers

Labor & Industry 1-800-547-8367

Associated General Contractors 1-360-352-5000

Utility Contractors Association of Washington 1-425-468-8345

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PREFACE

The Guidelines set forth in this booklet were developed by the Washington Utilities Coordinating Council. These guidelines and suggested standards are clearly noted to be nationally recognized standards or laws.

This booklet is available to all, in the State of Washington, as a means to help reduce damage to utilities, avoid interruption of service, and to protect the worker and the general public.

Every effort has been made to assure the accuracy of the information.



PURPOSE

The Washington Utility Coordinating Council (WUCC) was originally established in 1972. It began in other forms as early as 1950 when local utility forums were created.

The purpose of this statewide organization of utilities, governmental agencies, contractors, excavators, and other interested organizations and individuals is to cooperate to reduce damages to utility facilities thereby promoting safety and protecting the public interest.

Through communication, coordination, and cooperation, the WUCC works to achieve the orderly planning and installation of underground facilities. Because more and more utilities are being placed underground, communication, coordination, and cooperation are vital.

The WUCC continues to actively assist and promote the formation of local utility coordinating councils.

Go to: WWW. WUCC.ORG
To Find Your Local UCC

ONE CALL CENTERS

There are three one-call organizations in Washington State, each unique in its own way, but dedicated to the same cause of damage prevention and safe digging. However, there is only one state call before you dig law (RCW 19.122), one state toll-free call before you dig number (1-800-424-5555), and one call-center. The purpose of the call-center is to receive notification from anyone planning to dig, and relay those notifications to the members that may have buried utilities in the area of the proposed excavation.

Call before you dig is a free service. Costs associated with operating the one-call center are born by the companies that own and/or operate utilities in Washington.

WHEN TO CALL

RCW 19.122.030 Notice of excavation to owners of underground facilities...

Before commencing any excavation, excluding agriculture tilling less than twelve inches in depth, the excavator shall provide notice of the scheduled commencement of excavation to all owners of underground facilities through a one-number locator service.

RCW 19.122.020 Definitions.

"Excavation" means any operation in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means, except the tilling of soil less than twelve inches in depth for agricultural purposes, or road and ditch maintenance that does not change the original road grade or ditch flowline.

"Excavator" means any person who engages directly in excavation.

"Notice" shall be communicated to the owners of underground facilities not less than two business days or more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the parties.

RCW 19.122.020 Definitions.

"Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

RCW 1.12.040 Computation of time.

The time within which an act is to be done, as herein provided, shall be computed by **excluding** the first day, and including the last, unless the last day is a holiday, Saturday, or Sunday, and then it is also excluded.

From Cambridge Dictionary of English

"day" a period of 24 hours from 12 o'clock one night to 12 o'clock the next night

Sample computation of time:

MON – Excavator calls 1-800-424-5555, at any time, to give notice of excavation and request locates and marks. This day is excluded from notice.

TUES – 1st business day begins this morning at 12 midnight

WED – 2nd business day begins this morning at 12:00 midnight

THUR – OK to begin digging from 12 midnight on - if all known lines are marked

AMERICAN PUBLIC WORKS ASSOCIATION UNIFORM COLOR CARD

WHITE

WUCC strongly recommends using white to mark the proposed excavation

Pink

Temporary survey markings

Safety Red

Electric power, lines, cables, conduit and lighting cables

High Visibility Safety Yellow

Gas, Oil, Steam, Petroleum or Gasoline materials

Safety Alert Orange

Telephone and Telegraph Systems, Cable Television Systems, Police and Fire Communications

Safety Precaution Blue

Potable Water

Safety Purple

Reclaimed Water, Irrigation and Slurry Lines

Safety Green

All Sewer and Storm Drain lines

RECOMMENDED MARKING GUIDELINES FOR UNDERGROUND UTILITIES

Recommended marking guidelines from various professional organizations can be found at the following web-sites:

AMERICAN PUBLIC WORKS ASSOCIATION www.pubworks.org

AMERICAN PETROLEUM INSTITUTE www.api.org/cat

NATIONAL UTILITY LOCATING CONTRACTORS ASSOCIATION www.nulca.org

RCW 19.122

NOTE: RCW 19.122.055 was amended in 2001. The new language is included in this document.

REVISED CODE OF WASHINGTON TITLE 19 BUSINESS REGULATIONS MISCELLANEOUS

CHAPTER 19.122 UNDERGROUND

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<u>19.122.080</u> Waiver of notification and marking requirements.

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RCW 19.122.010 Intent.

It is the intent of the legislature in enacting this chapter to assign responsibilities for locating and keeping accurate records of utility locations, protecting and repairing damage to existing underground facilities, and protecting the public health and safety from interruption in utility services caused by damage to existing underground utility facilities.

RCW 19.122.020 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.
- (2) "Damage" includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected utility owner determines that repairs are required.
- (3) "Emergency" means any condition constituting a clear and present danger to life or property, or a customer service outage.
- (4) "Excavation" means any operation in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means, except the tilling of soil less than twelve inches in depth for agricultural purposes, or road and ditch maintenance that does not change the original road grade or ditch flowline.
- (5) "Excavator" means any person who engages directly in excavation.
- (6) "Gas" means natural gas, flammable gas, or toxic or corrosive gas.
- (7) "Hazardous liquid" means: (a) Petroleum, petroleum products, or anhydrous ammonia

- as those terms are defined in 49 C.F.R. Part 195 as in effect on March 1, 1998; and (b) carbon dioxide. The utilities and transportation commission may by rule incorporate by reference other substances designated as hazardous by the secretary of transportation.
- (8) "Identified facility" means any underground facility which is indicated in the project plans as being located within the area of proposed excavation.
- (9) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.
- (10) "Locatable underground facility" means an underground facility which can be field-marked with reasonable accuracy.
- (11) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American Public Works Association. Markings shall include identification letters indicating the specific type of the underground facility.
- (12) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and

- its employees, agents, or legal representatives.
- (13) "Pipeline" or "pipeline system" means all or parts of a pipeline facility through which liauid hazardous or gas moves transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping assemblies fabricated associated units, metering and pumping delivery stations and fabricated assemblies therein. and breakout tanks, "Pipeline" or "pipeline system" does not include process or transfer pipelines as defined in RCW 81.88.010.
- (14) "Pipeline company" means a person or entity constructing, owning, or operating a pipeline for transporting hazardous liquid or gas. A pipeline company does not include: (a) Distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail; or (b) excavation contractors or other contractors that contract with a pipeline company.
- (15) "Reasonable accuracy" means location within twenty- four inches of the outside dimensions of both sides of an underground facility.
- (16) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance

of water, sewage, electronic, telephonic or telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors around. This definition does not include pipelines as defined in subsection (13) of this section. but does include distribution systems owned and operated franchise for the sale, delivery, or distribution of natural gas at retail.

(17) "One-number locator service" means a service through which a person can notify utilities and request field- marking of underground facilities.

RCW 19.122.027 One-number locator services--Single state- wide toll-free telephone number.

- (1) By December 31, 2000, the utilities and transportation commission shall cause to be established a single state-wide toll-free telephone number to be used for referring excavators to the appropriate one-number locator service.
- (2) The utilities and transportation commission, in consultation with the

Washington utilities coordinating council, shall establish minimum standards and best practices for one-number management services consistent locator with recommendations of the governor's fuel accident prevention and response team issued in December 1999. By December 31, 2000, the commission shall provide its recommendations appropriate to the House of standing committees of the Representatives and the Senate.

(3) One-number locator services shall be operated by nongovernmental agencies.

RCW 19.122.030 Notice of excavation to owners of underground facilities--One-number locator service--Time for notice--Marking of underground facilities--Costs.

- (1) Before commencing any excavation, excluding agriculture tilling less than twelve inches in depth, the excavator shall provide notice of the scheduled commencement of excavation to all owners of underground facilities through a one-number locator service.
- (2) All <u>owners</u> of underground facilities within a one-number locator service area shall subscribe to the service. One-number locator service rates for cable television companies will be based on the amount of

their underground facilities. If no one-number locator service is available, notice shall be provided individually to those owners of underground facilities known to or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated to the owners of underground facilities not less than two business days or more than ten business before the scheduled commencement of excavation. unless otherwise agreed by the parties.

(3) Upon receipt of the notice provided for in this section, the owner of the underground facility shall provide the excavator with reasonably accurate information as to its locatable underground facilities by surfacemarking the location of the facilities. If there are identified but unlocatable underground facilities, the owner of such facilities shall provide the excavator with the best available information as to their locations. The owner of the underground facility providing the information shall respond no later than two business days after the receipt of the notice or before the excavation time, at the option of the owner, unless otherwise agreed by the parties.

Excavators <u>shall not excavate until all</u> known facilities have been marked. Once

- marked by the owner of the underground facility, the excavator is responsible for maintaining the markings. Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this section.
- (4) The <u>owner</u> of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two business days prior to the excavation from the excavator.
- (5) An <u>owner</u> of underground facilities is not required to indicate the presence of existing service laterals or appurtenances if the presence of existing service laterals or appurtenances on the site of the construction project can be determined from the presence of other visible facilities, such as buildings, manholes, or meter and junction boxes on or adjacent to the construction site.
- (6) Emergency excavations are exempt from the time requirements for notification provided in this section.
- (7) If the excavator, while performing the contract, discovers underground facilities which are not identified, the excavator shall cease excavating in the vicinity of the facility

and immediately notify the owner or operator of such facilities, or the one-number locator service.

RCW 19.122.033 Notice of excavation to pipeline companies.

- (1) Before commencing any excavation, excluding agricultural tilling less than twelve inches in depth, an excavator shall notify pipeline companies of the scheduled commencement of excavation through a one-number locator service in the same manner as is required for notifying owners of underground facilities of excavation work under RCW 19.122.030. Pipeline companies the riahts have same responsibilities as owners of underground facilities under RCW 19.122.030 regarding excavation work. Excavators have the same rights and responsibilities under this section as they have under RCW 19.122.030.
- (2) Project owners, excavators, and pipeline companies have the same rights and responsibilities relating to excavation near pipelines that they have for excavation near underground facilities as provided in RCW 19.122.040.

RCW 19.122.035 Pipeline company duties after notice of excavation--Examination--Information of damage--Notification of local first responders.

- (1) After a pipeline company has been notified by an **excavator** pursuant to RCW 19.122.033 that excavation work will uncover any portion of the pipeline, the pipeline company shall ensure that the pipeline section in the vicinity of the excavation is examined for damage prior to being reburied.
- (2) Immediately upon receiving information of third-party damage to a hazardous liquid pipeline, the company that operates shall terminate the hazardous liquid in that pipeline until it has visually inspected the pipeline. After visual inspection, the operator of the hazardous liquid pipeline shall determine whether the damaged pipeline section should replaced or repaired, or whether it is safe to resume pipeline operation. Immediately upon receiving information of third-party damage to a gas pipeline, the company that operates the pipeline shall conduct a visual inspection of the pipeline to determine whether the flow of gas through that pipeline should be terminated, and whether the pipeline should be replaced or repaired.

- A record of the pipeline company's inspection report and test results shall be provided to the utilities and transportation commission consistent with reporting requirements under 49 C.F.R. 195 Subpart B.
- (3) Pipeline companies shall immediately notify local first responders and department of any reportable release of a hazardous liquid from a pipeline. Pipeline companies shall immediately notify local first responders and the commission of any blowing gas leak from a gas pipeline that has ignited or represents a probable hazard to persons or property. Pipeline companies shall take all appropriate steps to ensure the public safety in the event of a release of hazardous liquid gas under or subsection.
- (4) No damaged pipeline may be buried until it is repaired or relocated. The pipeline company shall arrange for repairs or relocation of a damaged pipeline as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

RCW 19.122.040 Underground facilities identified in bid or contract--Excavator's

duty of reasonable care--Liability for damages--Attorneys' fees.

- (1) <u>Project owners</u> shall indicate in bid or contract documents the existence of underground facilities known by the project owner to be located within the proposed area of excavation. The following shall be deemed changed or differing site conditions:
- (a) An underground facility not identified as required by this chapter or other provision of law; and
- (b) An underground facility not located, as required by this chapter or other provision of law, by the project owner or excavator if the project owner or excavator is also a utility.
- (2) An excavator shall use reasonable care to avoid damaging underground facilities. An excavator shall:
- (a) <u>Determine the precise location of underground facilities which have been marked;</u>
- (b) Plan the excavation to avoid damage to or minimize interference with underground facilities in and near the excavation area; and
- (c) Provide such support for underground facilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such facilities.

- (3) If an underground facility is damaged and such damage is the consequence of the failure to fulfill an obligation under this chapter, the party failing to perform that obligation shall be liable for any damages. Any clause in an excavation contract which attempts to allocate liability, or requires indemnification to shift the economic consequences of liability, different from the provisions of this chapter is against public policy and unenforceable. Nothing in this chapter prevents the parties to an excavation contract from contracting with respect to the allocation of risk for changed or differing site conditions.
- (4) In any action brought under this section, the prevailing party is entitled to reasonable attorneys' fees.

RCW 19.122.045 Exemption from liability. Excavators who comply with the requirements of this chapter are not liable for any damages arising from contact or damage to an underground fiber optics facility other than the cost to repair the facility.

RCW 19.122.050 Damage to underground facility--Notification by excavator--Repairs or relocation of facility.

- (1) An excavator who, in the course of excavation, contacts or damages an underground facility shall notify the utility owning or operating such facility and the one-number locator service. If the damage causes an emergency condition, the excavator causing the damage shall also alert the appropriate local public safety agencies and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.
- (2) The <u>owner</u> of the underground facilities damaged shall arrange for repairs or relocation as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

RCW 19.122.055 Failure to notify onenumber locator service--Civil penalty, if damages.

- (1) **ANY PERSON** who fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline is subject to a civil penalty of not more than **Ten Thousand Dollars For Each Violation**.
- (2) All civil penalties recovered under this section shall be deposited into the pipeline safety account created in RCW 81.88.050.

RCW 19.122.060 Exemption from notice and marking requirements for property owners.

An excavation of less than twelve inches in vertical depth on private noncommercial property shall be exempt from the requirements of RCW 19.122.030 if the excavation is being performed by the person or an employee of the person who owns or occupies the property on which the excavation is being performed.

RCW 19.122.070 Civil penalties--Treble damages--Existing remedies not affected.

- (1) Any person who violates any provision of this chapter, and which violation results in damage to underground facilities, is subject to a civil penalty of not more than one thousand dollars for each violation. All penalties recovered in such actions shall be deposited in the general fund.
- (2) Any excavator who wilfully or maliciously damages a field-marked underground facility shall be liable for treble the costs incurred in repairing or relocating the facility. In those cases in which an excavator fails to notify known underground facility owners or the one-number locator service, any damage to the underground facility shall be deemed wilful and malicious and shall be subject to

treble damages for costs incurred in repairing or relocating the facility.

(3) This chapter does not affect any civil remedies for personal injury or for property damage, including that to underground facilities, nor does this chapter create any new civil remedies for such damage.

RCW 19.122.075 Damage or removal of permanent marking-- Civil penalty.

ANY PERSON who willfully damages or removes a permanent marking used to identify an underground facility or pipeline, or a temporary marking prior to its intended use, is subject to a civil penalty of not more than one thousand dollars for each act.

RCW 19.122.080 Waiver of notification and marking requirements.

The notification and marking provisions of this chapter may be waived for one or more designated persons by an underground facility owner with respect to all or part of that underground facility owner's own underground facilities.

RCW 19.122.900 Severability.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

HOW TO CALL

Marking Your Work Area in White is Strongly Recommended.

1. What information do I need before I call 1-800-424-5555?

When you call, you will be asked a series of questions about your work-site. Being prepared greatly speeds up the process. Please have this information ready:

- * indicates required information. Even though not all the information is required, it is all helpful! However, if you do not have the information that is not required—just say "not known" and move on. It will save time.
 - Your name, phone number, company name (if applicable), and mailing address.
 - The name and phone number of an alternate contact person, in case the utilities have questions and cannot reach you.
 - If the work is taking place within 10 feet of any overhead power lines.
 - * What type of work is being done.
 - * Who is the work being done for.
 - * The county and city where the work is taking place.

- * The address or the street where the work is taking place.
- The nearest cross street.
- The distance and direction of the work-site from the intersection.

(If no address is provided, cross street, distance, and direction are required)

- * Marking instructions, (specific instructions as to where the work is taking place. If work is in an isolated area, using landmarks as reference points helps the locators find your work-site; so does marking the job in white.)
- Township, range, section, and quarter section of the work-site. (These questions are asked so that the operator can determine which facility owners should be notified of your excavation plans, and which should not. This process makes sure that all known buried facilities at your work-site are located, and the underground facility owners who do not have lines in your general area are not needlessly notified.)

2. What happens when I call?

When you call, one of the friendly One-Call operators will ask you a series of questions about your work-site. (See question #1 for information needed to process a locate request) You will then be provided with a list of underground facility owners in your area that subscribe to the one-call system. Keep in mind, the law requires all owner/operators of underground facilities to subscribe, but not all have complied. You will also be given a time in which the underground lines are required to be marked along with a ticket number for your reference.

It is advisable that you write that information down—especially the ticket number!

- Knowing which underground facility owners were notified can help if you encounter a problem later; you will know whom to contact.
- The utility companies have 2 business days, after you call for a locate request, to mark their lines. Please wait until after this time to dig, so that their locators have enough time to respond. Not only does the law require the excavator not to begin digging until all known lines are marked safety demands it.

The ticket number is proof that you called. If you need to call back for any reason, you will be asked for the ticket number. It is the only way the operators can reference your information. Your ticket might be needed when contacting other than the people one-call center. For example, the utility companies might ask for your ticket number if you need to contact them about your locate request excavation plans, or you might be required to provide vour number when applying for permits.

The one-call center will transmit your locate request to each of the listed facility owners within 2 hours from the time you call. In the next 2 business days after the call (not counting weekends or holidays) representatives from those facilities are required to mark their underground lines. They can take longer if all parties agree. Once the time given to you by the One-Call operator has passed, and all known buried utilities are marked, you are ready to dig!

3. Is there a charge for having the utilities marked?

No. Underground utilities in public owned right-of-way and easements are marked free of charge. However, the utilities will only mark the lines up to their own meters. Underground lines beyond the meter or service entrance belong to the property owner, and are that person's responsibility. There are many locator services that can mark privately owned lines. The One-Call center can refer you to a private locator in your area.

However, the owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two business days prior to the excavation from the excavator.



"Our Advice For a Successful Excavation"
Call* Before You Dig

Wait Two Business Days Before Excavating

Timely & Accurate Locates

Don't Excavate Until ALL Known Lines Are Marked.

Call* to Report a "No Locate"

Maintain Marks Until All Excavation is Complete.

Adhere to Professional Excavation Methods

*1-800-424-5555

IT'S THE LAW

RESOURCES

Washington Utilities Coordinating Council www.wucc.org

Washington Utility Transportation Commission www.wutc.wa.gov

Common Ground Alliance www.commongroundalliance.com

Dig Safely www.digsafely.com

Associated General Contractors www.agcwa.com

Utility Contractor Association of Washington www.ucaw.org

Washington Association of Sewer Water Districts

www.waswd.org

American Public Works Association www.pubworks.org

www.locateaccurately.com

www.callbeforeyoudig.org

FREQUENTLY ASKED QUESTIONS

 If I have a scheduling emergency can I request an immediate locate?

It is in violation of RCW 19.122 to call in an emergency locate in an effort to "save time". Violators could be subject to additional locate costs and or civil penalty.

 If a company owns buried utilities but does not own locating equipment is the line considered an "Identified but unlocatable underground facility?"

A facility owner not possessing locating equipment does not qualify a facility as "unlocatable". Efforts must be made by the facility owner to locate the facility with the proper locating equipment and or potholing, before a facility can be identified as "Unlocatable".

 Who is notified of my planned excavating when I call 1-800-424-5555?

According to RCW 19.122.030, ALL owners of underground facilities within a one-number locator service area shall subscribe

to the service. This includes private parties with underground facilities that are located in the easements or utility right of way. ALL are required to locate and mark their buried utilities within two business days after being notified. Utilities that choose not to comply with the law are violators and could be subject to lawsuits or civil penalties.

- Does the following section from RCW 19.122.030 apply in all circumstances?
 - "(5) An owner of underground facilities is not required to indicate the presence of existing service laterals or appurtenances if the presence of existina laterals service appurtenances on the site of the construction project can he determined from the presence of other visible facilities, such buildings, manholes, or meter and junction boxes on or adjacent to the construction site "

This only applies to "rigid facilities" that are not likely to deviate from a straight line from such visible facilities.

 I'm a sub-contractor hired by a larger contractor to excavate a small portion of a road project. If the larger company called for locates, do I need to call also?

YES. RCW 19.122.070 states that if damage occurs, any person in violation of any portion of the law is subject to a civil penalty of not more than one thousand dollars for each violation (ten-thousand dollars if a pipeline is damaged) and could be subject to lawsuits.

6. I'm a homeowner. If I hire a excavator to dig postholes for a fence around my property – who is responsible for calling one-call?

The excavator. RCW 19.122.030 states that the excavator shall provide notice of the excavation. We recommend that you clearly cover this point with any excavator you hire to dig on your property.

If you would like a visit to your company or work-site to answer further questions about RCW 19.122, or damage prevention efforts, please call 1-877-668-4001 and ask for the representative in your area.

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PLEASE DIRECT COMMENTS OR QUESTIONS ABOUT THIS BOOKLET TO:

Washington Utilities Coordinating Council 10121 Evergreen Way STE 25 PMB 339 Everett, WA 98204

To order additional copies of this booklet please call 1-800-424-5555 and ask for the WUCC Recommended Guidelines. Copies will be sent to you at no charge while supplies last.